

MINUTES OF MEETING  
SOUTHEAST CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
AUGUST 20, 2014

The Southeast Cass Water Resource District met on August 20, 2014, at 8:30 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Chairman; Dan Jacobson, Manager; Lance Yohe, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Julie Zaeske Norman, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels and Kurt Lysne, Engineers for the Board; Nathan Boerboom, Engineer for City of Fargo; Brett Coleman and Elliot Stefanik, Corps of Engineers (by telephone); Jacob Gust, Sheyenne Flood Control District #1 Superintendent; Paula Ekman, Stanley Township Board Member; Jonathan Garaas, Attorney for Stanley Township; Marlowe Rud, City of Kindred; Perry Ronning, Stanley Township; Rich Sieg and Tom Soucy, Cass County Highway Department; Truman Kingsley, property owner in Stanley Township; David Camrud, Wells Fargo Bank; Darin Schreiner, farm operator in Mapleton Township; William A. Hejl, Rush River Water Resource District; and Brian LeMon, Barr Engineering Co.

**Minutes**

It was moved by Manager Jacobson, seconded by Manager Yohe, and unanimously carried to approve the minutes of July 16, July 30 and August 13, 2014, meetings.

**Approval of Agenda**

It was moved by Manager Yohe, seconded by Manager Jacobson, and unanimously carried to approve the agenda, as amended.

**Cass County Highway 10 culvert between the west side of Section 1 in Mapleton Township and the west side of Section 36 in Raymond Township**

Chad Engels reviewed the history of the application for the West Fargo Lagoon expansion. The Southeast Cass Water Resource District was notified of the project by the Office of the State Engineer and Mr. Engels responded with comments. The City of West Fargo also commented and determined it appropriate to conduct a study reviewing the plan applying 100-year flood data. The study results, showing there was insignificant impact, were shared with the Office of the State Engineer.

Darin Schreiner and Dave Camrud were in attendance to voice concerns about current water flows. The water flow does not appear to be consistent with the intended drain design. Based on the concerns and observations of Messrs. Schreiner and Camrud, the Board determined a review of the site was warranted.

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize Moore Engineering, Inc., in cooperation with the Cass County Highway Department, to inspect and survey, if necessary, the area along Highway 10 between the west side of Section 1 in Mapleton Township and the west side of Section 36 in Raymond Township to determine if a problem exists and determine responsibility for a solution. Upon roll call vote, the motion carried unanimously.

#### **Drain reassessments - SC-1, #21, #40 and #45**

Minutes relating to the reassessment of Drains SC-1, #21, #40 and #45 are attached hereto.

#### **Drain #3 right-of-way east of University Drive along the south side of Riviera Heights Mobile Home Park**

Mr. Engels reported that the Warranty Deed was returned by Bill Block and the subdivision waiver was granted by the City of Fargo for the Riviera Heights Mobile Home Park.

#### **Wild Rice River Dam Environmental Assessment**

Brett Coleman and Elliot Stefanik joined the meeting (by telephone) to present information on the planned removal of the Wild Rice River Dam. Mr. Coleman stated the public comment period ends September 18, 2014, and that comments may be provided using the Corps website under the Environmental Assessment section.

The project will remove the dam to allow fish passage. Rip-rap will be put in place to prevent erosion. The rock resulting from the demolition of the dam will be used, as well as additional rock to be brought in from off-site. It is planned that the construction will take place during the fall of 2015/winter of 2016 when the water flow is lowest.

Access for the project will be attained through construction of a temporary road entering from the south, which will be removed when the project is completed and the area restored to its prior condition.

Mr. Coleman stated that there are many positive aspects achieved by the project. The negative factors will include:

- Minimal impact on traffic flow;
- Additional noise resulting from the operation of equipment in the area;
- Increased turbidity in the water with a minor impact on water clarity;
- An aesthetic impact extending up to 5 miles upstream from the existing dam due to an anticipated drop in water levels of up to 5 feet; and
- The increased possibility of bank instability.

Overall, there will be limited negative impact. He is optimistic the project will meet mitigation efforts.

The Board, having previously submitted comments on the project to the Corps, did not anticipate any further action being required at this time. It was noted that a permit should be submitted to the State Water Commission.

As representative for the Stanley Township and Fred Hector family, Mr. Garaas asked for clarification on the ownership of the dam. Mr. Fredricks responded that as a former Federal initiative, under state statute, ownership now resides with the Southeast Cass Water Resource District. It was requested that Mr. Fredricks prepare a communication to Mr. Garaas concerning the ownership and authority invested in the Southeast Cass Water Resource District by state statute.

Responding to further questions, the Corps representatives and the Board stated that rationale for the removal of the dam included:

- Habitat remediation is a factor, as during flood periods fish movement is impacted;
- Mitigation of flooding, as the dam currently serves no functional purpose and removal is part of the overall Metro Flood Diversion Project plan;
- Reduction in maintenance costs; and
- Elimination of any contingent liability for the Board associated with the recreational use of the area.

The Board directed Mr. Fredricks to begin work on an agreement with the Diversion Authority to cover the costs associated with the removal of the dam.

#### **Coulee Crossing/Oakcreek Flood Risk Management Project**

Nathan Boerboom met with the Board to discuss moving Drain #53. The current position of the drain and existing pipe will interfere with levee construction. By moving the drain to the north and west and moving pipe which is directly below where the levee will be built, a new confluence will be created and the stability of the levee will be enhanced. The city is also planting trees in anticipation of the levee construction to create as much stability in the soil in the area as possible.

In the Oakcreek addition, the levee will be moved away from the school district property. No homes will be impacted.

The Board approved the concept and plan and asked Mr. Fredricks to work with the Fargo City Attorney to prepare the proper easement documents.

#### **Drain #27 / Prairie Rose Area Flood Risk Management Project**

Mr. Boerboom presented the plan to construct a flood wall on 40th Avenue North. The Board anticipates granting the necessary easements for the project and authorized Mr. Fredricks to begin work on the documents needed to grant the easements required for the construction of the flood wall.

**Application #2444 for the City of Fargo to construct a dike in the S 1/2 of Section 26 in Barnes Township – Drain #27 / Prairie Rose Area Flood Risk Management Project**

It was moved by Manager Jacobson and seconded by Manager Yohe to send a letter to the Office of the State Engineer stating that the Board has no comment on *Application #2444* for the City of Fargo to construct a dike in the S1/2 of Section 26 in Barnes Township. Upon roll call vote, the motion carried unanimously.

**Application #2441 for the City of Fargo to construct a dike in the SE 1/4 NE 1/4 and the NE 1/4 SE 1/4 in Section 31 of Reed Township – El Zagal Area Flood Risk Management Phase 1**

Mr. Boerboom presented the plan to build a flood wall and purchase 6 homes in the El Zagal area. The project will include reconstruction of the golf course.

It was moved by Manager Yohe and seconded by Manager Jacobson to send a letter to the Office of the State Engineer stating that the Board has no comment on *Application #2441* for the City of Fargo to construct a dike in the SE 1/4 NE 1/4 and the NE 1/4 SE 1/4 in Section 31 of Reed Township. Upon roll call vote, the motion carried unanimously.

**Application #2443 for the City of Fargo to construct a dike in SE 1/4 of Section 25, the NE 1/4 of Section 36 and the W 1/2 of Section 30 in Barnes Township – River Drive South Flood Risk Management Project**

Mr. Boerboom presented the plan for the continued construction of dikes in south Fargo. The homes on River Drive have been successfully purchased allowing work to commence as planned.

It was moved by Manager Yohe and seconded by Manager Jacobson to send a letter to the Office of the State Engineer stating that the Board has no comment on *Application #2443* for the City of Fargo to construct a dike in SE 1/4 of Section 25, the NE 1/4 of Section 36 and the W 1/2 of Section 30 in Barnes Township. Upon roll call vote, the motion carried unanimously.

**Water Quality Pilot Project**

Mr. Engels introduced Brian LeMon, Vice President of Barr Engineering Co. of Minneapolis. Mr. Engels is working with Mr. LeMon on a project to increase the quality of run-off water and has been exploring potential sites in Cass County for a pilot project. Mr. LeMon gave an overview of new technology being developed by Barr Engineering that has been piloted in the Maplewood, Minnesota, community with good result. A proposal has been developed for the District, which Mr. LeMon presented to the Board. The proposal is a feasibility study to be completed in six phases at a cost of \$30,000. Mr. Engels stated that he has been looking for a pilot site that matches the requirements set forth by Barr Engineering. At this point, it appears that Drain #74 might provide the best test environment and recommended that the Board pursue the feasibility study.

If the feasibility study is successful, the estimated overall project cost may be up to \$300,000. There are funding sources available, including Health Department 319 and other corporate grants and funding, which may provide assistance with costs.

William A. Hejl was in attendance and spoke to his knowledge and experience with the technology through American Crystal Sugar. Manager Hejl voiced support for the pursuit of the feasibility study.

It was moved by Manager Yohe and seconded by Manager Jacobson to proceed with the Water Quality Pilot Project Feasibility Study, as proposed by Barr Engineering Co. at a cost of up to \$30,000 with a completion date of October 31, 2014. Upon roll call vote, the motion carried unanimously.

It was also agreed that an informational presentation be provided to the Cass County Joint Water Resource District at their next meeting. Messrs. LeMon and Engels will coordinate the necessary resources to ensure this is accomplished. The Secretary-Treasurer will add this item to the agenda.

#### **Drain #10 slide repairs at NDSU**

Mr. Engels reported that bids will be opened on Tuesday, August 26, 2014, for the Drain #10 slide repairs at NDSU. Due to limited bid responses being received on other projects, Mr. Engels suggested that the completion date stated in the bid specifications be extended. Right-of-way for the project has been granted.

It was moved by Manager Jacobson and seconded by Manager Yohe to expand the bid specifications for the Drain #10 slide repairs at NDSU to include the entire reach of Drain #10, from 19th Avenue North to Cass County Highway 81, and offer an alternate completion date of September 15, 2015. Upon roll call vote, the motion carried unanimously.

#### **Drain #45 Improvements**

Mr. Engels reviewed cost estimates for completing improvements on Drain #45 from the pump station to 12th Avenue North, as well as from the pump station to Main Avenue. The City of West Fargo would like the improvement made to improve city storm sewer. The Board reviewed the drain account balance and anticipated future revenues. Mr. Engels said this report was for information only at this time. The City of West Fargo will contact the Water Resource District on this drain improvement in the near future.

#### **Drain #47 in Sections 10 and 11 of Pleasant Township**

It was moved by Manager Yohe and seconded by Manager Jacobson to adopt and authorize the Chairman to sign a *Resolution of Emergency* and award the contract for Drain #47 slide repairs in Sections 10 and 11 of Pleasant Township to Excavating, Inc. for the informal bid of \$97,900. Upon roll call vote, the motion carried unanimously.

### **Sheyenne–Maple Flood Control Projects closeout**

Kurt Lysne reviewed information regarding the closeout of the Sheyenne-Maple Flood Control Projects. The Board directed the Secretary-Treasurer to send a letter to the Corps of Engineers regarding the matter.

### **Application for Surface Drain #4390 for Helendale Private Drain, LLC in the SE 1/4 of Section 35 in Helendale Township in Richland County**

Mr. Engels reported that he has requested additional information from the Applicant in order to respond to the *Application for Surface Drain #4390* for Helendale Private Drain, LLC in the SE 1/4 of Section 35 in Helendale Township in Richland County. Mr. Engels reported that he has not yet received the information.

### **Solicitation of views and comments from the North Dakota Department of Transportation regarding improvements to State Highway 46, from 9 miles east of Enderlin to the east junction of State Highway 18**

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize the Water District Engineer to review and provide comments to the North Dakota Department of Transportation regarding improvements to State Highway 46, from 9 miles east of Enderlin to the east junction of State Highway 18, as needed. Upon roll call vote, the motion carried unanimously.

### **Letter from the North Dakota Department of Transportation regarding improvements to Main Avenue at Drain #21**

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize the Water District Engineer to review and provide comments to the North Dakota Department of Transportation regarding improvements to Main Avenue at Drain #21. Upon roll call vote, the motion carried unanimously.

### **Sheyenne-Maple Flood Control District #1 – non-flood operation for the bridge replacement on the Sheyenne River at Main Avenue in West Fargo**

Mr. Engels is in conversation with the West Fargo City Engineer about the Sheyenne-Maple Flood Control District #1 non-flood operation for the bridge replacement on the Sheyenne River at Main Avenue in West Fargo. The duration of the project is anticipated to span from May 4 to July 7, 2015.

It was recommended that the city contact property owners along the river about the project. It was also recommended that the Sheyenne-Maple Flood Control District #1 *Conditions for Operating the Project during Non-flood Times* policy be reviewed. Messrs. Engels and Fredricks and the Secretary-Treasurer will follow up on this item.

### **Utility Permits for Dakota Carrier, Midcontinent Communications and Cass County Electric**

It was moved by Manager Yohe and seconded by Manager Jacobson to approve the following *Utility Permits*, subject to the conditions provided by the Water Resource District Engineer:

- For Dakota Carrier Network to install fiber optic cable along Drain #40 from 12th Avenue North to 15th Avenue North and crossing the drain just south of 15th Avenue North;
- For Midcontinent Communications to install conduit and fiber optic cable under Drain #40 at 9th Avenue South;
- For Midcontinent Communications to install conduit and fiber optic cable under Drain #40 at 5th Avenue South; and
- For Cass County Electric to install underground primary cable across Drain #27 on the south side of 40th Avenue South.

Upon roll call vote, the motion carried unanimously.

#### **Correspondence from the Fargo Department of Planning and Development - September preliminary packet**

The Water Resource District Engineer had no comments to submit on the Fargo Department of Planning and Development correspondence regarding the September preliminary packet.

#### **Bills**

It was moved by Manager Yohe and seconded by Manager Jacobson to approve payment of Checks #11327 through #11354 and the electronic funds transfer, as presented. Upon roll call vote, the motion carried unanimously.

#### **Drain #60 – Newport Ridge 5th Addition in Kindred**

Mr. Engels stated that the City of Kindred has requested the approval and signing of a plat. Marlowe Rud described the development activity occurring at this time and said no further housing development is anticipated in this particular location. Board attention was called to the fact that the Southeast Cass Water District owns the property and right-of-way on which easements are being requested.

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize the Chairman to sign the plat for Newport Ridge 5th Addition along Drain #60, to authorize the Water Resource District Engineer to prepare property descriptions and to authorize the Water Resource District Attorney to prepare language for an Easement setting out the Water Resource District's ability to maintain Drain #60. Upon roll call vote, the motion carried unanimously.

#### **Subsurface Drain Discussion**

It was noted that Mr. Kingsley had attended the meeting to discuss a subsurface drain permit previously issued. Mr. Engels reported that the conditions set by the Board at the time of approval have not been met. If the conditions are not met, the permit is invalid.

#### **Meeting Schedule**

It was noted that there are conflicts with the current dates scheduled for the November and December meetings. Chairman Brodshaug and the Secretary-Treasurer will work with Board members to determine alternate dates.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Jacobson, seconded by Manager Brodshaug and unanimously carried to adjourn the meeting at 12:20 p.m.

APPROVED:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer